

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS

In re
ANDREW GREENHUT,
Debtor

IN PROCEEDINGS UNDER
CHAPTER 13
CASE NO.: 19-10782

**RESPONSE OF DEBTOR TO MOTION OF CREDITOR GITA SRIVASTAVA TO
COMPEL DEBTOR TO WITHDRAW FILING AND REDACT DOCUMENT**

NOW COMES the Debtor, Andrew Greenhut, and hereby responds, pursuant to Fed. R. Bankr. Pro. 9037 and MLBR 9037-1, to the Motion of Creditor Gita Srivastava to Compel Debtor to Withdraw Filing and Redact Document (the “Motion”) as follows:

1. At 12:24 PM on June 18, 2019, the Debtor filed his “Objection to Claim 8 of Claimant Gita Srivastava. and Request for Evidentiary Sanctions under Fed. R. Bankr. Pro. 3001(c)(2)(D)”, filed as Document No. 45 in the above-captioned case.
2. Through inadvertence and oversight, Debtor’s Counsel did not redact out the date of birth of the Debtor’s minor child, “D.S.” in the document, as part of the documentation included with the “Objection to Claim 8 of Claimant Gita Srivastava and Request for Evidentiary Sanctions under Fed. R. Bankr. Pro. 3001(c)(2)(D)”, specifically Exhibit “C”, the “Agreed Final Decree of Divorce”.
3. At 4:43 PM on June 19, 2019, the Creditor, Gita Srivastava, filed her “Motion of Creditor Gita Srivastava to Compel Debtor to Withdraw Filing and Redact Document”, requesting, *inter alia*, that the Debtor be compelled to withdraw his original “Objection to Claim 8 of Claimant Gita Srivastava. and Request for Evidentiary Sanctions under Fed. R. Bankr. Pro. 3001(c)(2)(D)” and substitute therefor a redacted copy without Exhibits “C” and Exhibit

“D”^{1/} thereto. At no time after the filing of the Debtor’s original “Objection to Claim 8 of Claimant Gita Srivastava. and Request for Evidentiary Sanctions under Fed. R. Bankr. Pro. 3001(c)(2)(D)” and before filing the Creditor’s Motion of Creditor Gita Srivastava to Compel Debtor to Withdraw Filing and Redact Document did Creditor’s Counsel attempt to contact Debtor’s Counsel by email, text message or by telephone.

4. At 10:32 AM on June 20, 2019, after attempting to contact Creditor’s Counsel by telephone and leaving a voicemail message requesting a conference to discuss the substance of the Motion of Creditor Gita Srivastava to Compel Debtor to Withdraw Filing and Redact Document, the Debtor filed a Motion to Redact his “Objection to Claim 8 of Claimant Gita Srivastava. and Request for Evidentiary Sanctions under Fed. R. Bankr. Pro. 3001(c)(2)(D)” and redacted those portions of Exhibit “C” showing the Debtor’s minor child’s birth date, as well as, out of an abundance of caution, redacting the former and current addresses of the parties.
5. Contrary to the contentions made by the Creditor, a thorough review of the “Agreed Final Decree of Divorce” and the “Order on Petitioner’s First Amended Petition for Enforcement of Property Division” reveals that there exists ***no provision*** placing either of these document “under seal”, other than the moniker stating “NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA” at the top of the first page of each. Furthermore, although the creditor alludes to a “seal order”, no such document or order has been appended to the Motion. Indeed, other than the birth date of the Debtor’s child, D.S., both Exhibits “C” and “D” were already substantially redacted by the Texas District Court, and

^{1/} Exhibit “D” is the “Order on Petitioner’s First Amended Petition for Enforcement of Property Division”

do not contain any “personally identifying information” not in conformity with the meaning of Federal Rule of Bankruptcy Procedure 9037 and the “E-Government Act Of 2002” from which Federal Rule of Bankruptcy Procedure 9037 is derived, other than the date of birth of the parties’ minor child.

6. Furthermore, the creditor has cited no provision of Federal Rule of Bankruptcy Procedure 9037 or MLBR 9037-1, or any other provision of Federal law or applicable rules that allows the recovery of legal fees for seeking to compel a party to redact a document (other than paying a \$25 fee to the U.S. Bankruptcy Court which has already been done as part of the debtor’s Motion to Redact.)
7. Based upon the foregoing chain of events, Creditor’s Motion should be denied beyond what has already been it redacted by the filing of the Debtor’s Motion to Redact and Substitute of June 20, 2019, as the redacted motion contains no personally identifiable information and otherwise conforms with the requirements of Federal Rule of Bankruptcy Procedure 9037(a) and (b).

WHEREFORE, the Debtor respectfully requests that the Motion of Creditor Gita Srivastava to Compel Debtor to Withdraw Filing and Redact Document, and for such other and further relief as the court deems mete and proper under the circumstances.

ANDREW GREENHUT, Debtor,
By her attorney,

Date:6/20/2019

/s/Richard N. Gottlieb, Esq.

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CERTIFICATE OF SERVICE

I, Richard N. Gottlieb, Esq., hereby certify that I have this day served the foregoing Response of Debtor to Motion of Creditor Gita Srivastava to Compel Debtor to Withdraw Filing and Redact Document electronically by the court's CM/ECF System.

Date: 6/20/2019

/s/Richard N. Gottlieb, Esq.

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Chapter 13 Trustee
(Served via CM/ECF)

Alex Mattera, Esq.
Partridge, Snow and Hahn, LLP
Counsel to Gita Srivastava
(Served via CM/ECF)